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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,158	01/15/2002	Yosato Hitaka	03500.016099	8868
5514	7590	05/04/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			POKRZYWA, JOSEPH R	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/045,158	HITAKA, YOSATO	
	Examiner	Art Unit	
	Joseph R. Pokrzywa	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 February 2006.
- 2a) This action is **FINAL**.                                   2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 17-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 17-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment was received on 2/6/06, and has been entered and made of record. Currently, claims 17-26 are pending.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 17-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Kemp *et al.* (U.S. Patent Application Publication 2002/0078160).**

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding *claim 17*, Kemp discloses an information processing method for a user device and a print management apparatus, which are capable of communicating with each other via a

network (see abstract, and Figs. 1-10) comprising a use condition transmitting step of transmitting use conditions from the user device to the print management apparatus (paragraphs 0058-0061), a print shop information obtaining step of the user device obtaining print shop information of first candidate print shops from the print management apparatus in accordance with the use conditions (paragraphs 0062-0067), a print setting obtaining step of obtaining a print setting from the user device (paragraphs 0067-0072), a screen information forming step of forming screen information on the basis of the print shop information of the first candidate print shops and the obtained print setting so that the formed screen information indicates whether each print shop of the print shop information of the first candidates is selectable or not so as to promote selection of a print shop which is allowed to output a print order (paragraphs 0062-0072), and a print order transmitting step of transmitting the print order (paragraphs 0067-0074), including a designation of a selected print shop to the print management apparatus (paragraphs 0067-0073).

Regarding *claim 18*, Kemp discloses the method discussed above in claim 17, and further teaches that the screen information forming step forms the screen information so that a selectable print shop is displayed and a non-selectable print shop is not displayed (paragraphs 0040-0045, and 0084-0086).

Regarding *claim 19*, Kemp discloses the method discussed above in claim 17, and further teaches that a print order forming step of forming the print order to be transmitted to the print management apparatus on the basis of print target data formed by an application (paragraphs 0046-0050, and 0075-0077).

Regarding *claim 20*, Kemp discloses a user apparatus that communicates with a print management apparatus via a network (see abstract, and Figs. 1-10) comprising use condition transmitting means for transmitting use conditions to the print management apparatus (paragraphs 0058-0061), print shop information obtaining means for obtaining print shop information of first candidate print shops from the print management apparatus in accordance with the use conditions (paragraphs 0062-0067), print setting obtaining means for obtaining a print setting to be included in a print order (paragraphs 0067-0072), screen information forming means for forming screen information on the basis of the print shop information of the first candidate print shops and the obtained print setting so that the formed screen information indicates whether each print shop of the print shop information of the first candidates is selectable or not so as to promote selection of a print shop which is allowed to output a print order (paragraphs 0062-0072), and print order transmitting means for transmitting the print order (paragraphs 0067-0074), including a designation of a selected print shop to the print management apparatus (paragraphs 0067-0073).

Regarding *claim 21*, Kemp discloses the apparatus discussed above in claim 20, and further teaches that the screen information forming means forms the screen information so that a selectable print shop is displayed and a non-selectable print shop is not displayed (paragraphs 0040-0045, and 0084-0086).

Regarding *claim 22*, Kemp discloses the apparatus discussed above in claim 20, and further teaches that a print order forming means for forming the print order to be transmitted to the print management apparatus on the basis of print target data formed by an application (paragraphs 0046-0050, and 0075-0077).

Regarding *claim 23*, Kemp discloses a print management apparatus that communicates with a user apparatus via a network (see abstract, and Figs. 1-10) comprising use condition receiving means for receiving use conditions from the user apparatus (paragraphs 0058-0061), print shop information transmitting means for transmitting print shop information of first candidate print shops to the user apparatus in accordance with the use conditions (paragraphs 0062-0067), and a print order receiving means for receiving a print order, including a designation of a selected print shop, from the user apparatus (paragraphs 0067-0072), wherein the designation of the selected print shop included with the print order is selected in the user apparatus from screen information formed on the basis of the print shop information of the first candidate print shops transmitted to the user apparatus and a print setting obtained by the user apparatus so that the formed screen information indicates whether each print shop of the print shop information of the first candidates is selectable or not so as to promote selection of a print shop which is allowed to output a print order (paragraphs 0062-0073).

Regarding *claim 24*, Kemp discloses an information processing system for processing information between a user apparatus and a print management apparatus through communication via a network (see abstract, and Figs. 1-10), wherein the print management apparatus comprises use condition receiving means for receiving use conditions from the user apparatus (paragraphs 0058-0061), and print shop information transmitting means for transmitting print shop information of first candidate print shops to the user apparatus in accordance with the received use conditions (paragraphs 0062-0067), and wherein the user apparatus comprises print setting obtaining means for obtaining a print setting to be included in a print order (paragraphs 0067-0072), screen information forming means for forming screen information on the basis of the print

shop information of the first candidate print shops and the obtained print setting so that the formed screen information indicates whether each print shop of the print shop information of the first candidates is selectable or not so as to promote selection of a print shop which is allowed to output a print order (paragraphs 0062-0072), and print order transmitting means for transmitting the print order (paragraphs 0067-0074), including a designation of a selected print shop to the print management apparatus (paragraphs 0067-0073).

Regarding *claim 25*, Kemp discloses a computer-readable medium on which is stored a computer-executable program (paragraphs 0018-0019, and 0047-0051) for causing a user apparatus that communicates with a print management apparatus via a network to execute a print control process (see abstract, and Figs. 1-10), the print control process comprising a use condition transmitting step of transmitting use conditions to the print management apparatus (paragraphs 0058-0061), a print shop information obtaining step of obtaining print shop information of first candidate print shops from the print management apparatus in accordance with the use conditions (paragraphs 0062-0067), a print setting obtaining step of obtaining a print setting to be included in a print order (paragraphs 0067-0072), a screen information forming step of forming screen information on the basis of the print shop information of the first candidate print shops and the obtained print setting so that the formed screen information indicates whether each print shop of the print shop information of the first candidates is selectable or not so as to promote selection of a print shop which is allowed to output a print order (paragraphs 0062-0072), and a print order transmitting step of transmitting the print order (paragraphs 0067-0074), including a designation of a selected print shop to the print management apparatus (paragraphs 0067-0073).

Regarding **claim 26**, Kemp discloses a computer-readable medium on which is stored a computer-executable program (paragraphs 0018-0019, and 0047-0051) for causing a print management apparatus that communicates with a user apparatus via a network to execute a print control process (see abstract, and Figs. 1-10), the print control process comprising a use condition receiving step of receiving use conditions from the user apparatus (paragraphs 0058-0061), a print shop information transmitting step of transmitting print shop information of first candidate print shops to the user apparatus in accordance with the received use conditions (paragraphs 0062-0067), and a print order receiving step of means for receiving a print order, including a designation of a selected print shop, from the user apparatus (paragraphs 0067-0072), wherein the designation of the selected print shop included with the print order is selected in the user apparatus from screen information formed on the basis of the print shop information of the first candidate print shops transmitted to the user apparatus and a print setting obtained by the user apparatus so that the formed screen information indicates whether each print shop of the print shop information of the first candidates is selectable or not so as to promote selection of a print shop which is allowed to output a print order (paragraphs 0062-0073).

#### ***Citation of Pertinent Prior Art***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

**Gottfreid** (U.S. Patent Number 6,076,076) discloses a prepaid printing service; and

**Tonkin** (U.S. Patent Number 6,134,568) discloses a document preview and assembly system.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa  
Primary Examiner  
Art Unit 2625

jrp

